

3578. Misbranding of olive oil. U. S. v. Jacob J. Manheimer. Plea of guilty. Fine, \$15.
(F. & D. No. 5617. I. S. No. 6085-e.)

On June 11, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob J. Manheimer, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 15, 1913, from the State of New York into the State of Georgia, of a quantity of olive oil which was misbranded. The shipping case was labeled: "W F 1990—12 x 1 gallon—New York." The cans were labeled: "Trade Mark (Dies of several exposition medals) One Gallon—Virgin Olive Oil—Warrick Freres—Grasse (France) Manheimer, Sole Agent for the U. S. 28 Gold St., New York."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Can No.	Volume.	Shortage.	Can No.	Volume.	Shortage.
	<i>Gallon.</i>	<i>Per cent.</i>		<i>Gallon.</i>	<i>Per cent.</i>
1.....	0.9561	4.39	8.....	0.9540	4.60
2.....	.9479	5.21	9.....	.9602	3.98
3.....	.9581	4.19	10.....	.9602	3.98
4.....	.9700	3.00	11.....	.9581	4.19
5.....	.9561	4.39	12.....	.9602	3.98
6.....	.9474	5.26			
7.....	.9581	4.19			
			Average net volume....	.9572	4.28

¹ Average.

Misbranding of the product was alleged in the information for the reason that the statement "one gallon," appearing on the labels aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that each can contained 1 gallon of olive oil, whereas, in truth and in fact, each of said cans did not contain 1 gallon of olive oil but contained less than 1 gallon of olive oil. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "one gallon," thereby indicating that each of said cans contained 1 gallon of olive oil, whereas, in truth and in fact, each of said cans did not contain 1 gallon of olive oil, but contained less than 1 gallon of olive oil.

On June 16, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 17, 1915.*